



02-15-02

0360

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

KOTSINADELIS

Serial No.: 10/037,284

Filed: January 3, 2002

Atty. File No.: 4366-47

For: "MY VOICE" VOICE AGENT FOR USE
WITH VOICE PORTALS AND RELATED
PRODUCTS

) Group Art Unit: Not yet assigned

) Examiner: Unknown

) PETITION FOR ACCORDANCE OF FILING
) DATE (37 C.F.R. §§ 1.182 & 1.17(h))
) M.P.E.P. §506.02)

) "EXPRESS MAIL" MAILING LABEL NUMBER: EL 767781223 US
) DATE OF DEPOSIT: February 13, 2001

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED
WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST
OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE
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COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

TYPED OR PRINTED NAME: Angela P. Davis

SIGNATURE:

Assistant Commissioner for Patents
Office of Patent Legal Administration
Commissioner of Patents

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MAY 20 2002

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Washington, D.C. 20231
Adjustment date: 07/02/2002 AKELLEY
02/27/2002 SMINASSI 00000086 10037284
01 FC:122 -130.00 OP
Repln. Ref: 07/02/2002 AKELLEY 0010542400
DAH:191970 Date Filed: 10037284
FC: 704 \$130.00 CR

02/27/2002 SMINASSI 00000086 10037284

01 FC:122

130.00 OP

Applicant respectfully petitions for a filing date of January 3, 2002, for the above-identified patent application. This Petition is being filed in response to a Notice of Incomplete Application (copy enclosed as Exhibit "C") dated February 4, 2002, which failed to grant a filing date to the application. According to the Notice, Figs. 1-4 (copies attached as Exhibit "D") were omitted from the deposited application.

It is respectfully submitted that the Notice of Incomplete Application was issued in error because the application was a complete application as filed under 37 C.F.R. § 1.53(b). In support of this Petition, it is submitted that: (1) Figs. 1-4 were originally deposited with the rest of the application on January 3, 2002, as evidenced by a stamped postcard receipt attached hereto as Exhibit "A" (a copy of the postcard receipt before it was stamped is attached as Exhibit "B" to clearly show the number of pages in the Specification and Claims) and (2) the application was complete as

filed even without Figs. 1-4 and Applicant should be permitted to submit Figs. 1-4 after January 3, 2002, that do not introduce new matter into the application. Each of these bases for being accorded the January 3, 2002, filing date is discussed in more detail below.

I. Figs. 1-4 Were Submitted on January 3, 2002.

It is respectfully submitted that Figs. 1-4 were enclosed with the original application deposited by Express Mail with the U.S. Patent and Trademark Office (PTO) on January 3, 2002. The postcard receipt (stamped copy enclosed as Exhibit "A" and unstamped copy as Exhibit "B") for the application clearly shows that 3 sheets of drawings were included with the application at the time of deposit with the PTO. Furthermore, the postcard receipt is date-stamped January 3, 2002, by the PTO evidencing that 3 sheets of drawings were received by the PTO on the date of deposit. Applicant's file copy of the application, which includes Figs. 1-4, is a copy made from the original of the application that was submitted to the PTO on January 3, 2002. The Utility Patent Application Transmittal further shows that 3 sheets of informal drawings were submitted as part of the application as filed. Accordingly, the submitted application must also have included Figs. 1-4.

The date-stamped postcard does not contain any notation by the PTO indicating that less than all 3 sheets of the drawings were received. If a sheet had been missing, then such a notation would have been made by the PTO as required by M.P.E.P. § 503. The date-stamped postcard is, therefore, prima facie evidence that 3 sheets of drawings were received by the PTO with the original deposit of the application on January 3, 2002. Accordingly, the original application was complete and should be accorded a filing date of January 3, 2002, pursuant to 37 C.F.R. § 1.53(b).

**II. The Application Was Complete on January 3, 2002,
Even Without Figs. 1-4.**

Pursuant to 37 C.F.R. § 1.118(a), an applicant for a patent can amend one part of the disclosure of the application after the filing date to conform to another part of the disclosure without the Amendment being considered new matter. Pages 5-7 discuss Fig. 1 (a block diagram showing a typical hardware implementation of the present invention); pages 7-8 discuss Figs. 2-3 (diagrams depicting relational aspects of voice commands according to the present invention); and pages 8-12 discuss Fig. 4 (a flow chart depicting operation of the voice agent according to the present invention). Accordingly, in the event that the Patent Office concludes that the application omitted Figs. 1-4 when filed (which it did not), Applicant should be granted the opportunity to submit Figs. 1-4 that do not introduce new matter to the application but simply restate what is already disclosed in pages 5-12 and the remaining portions of the Specification.

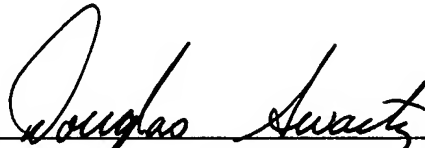
**III. Even If the Application Is Not Entitled to a January 3, 2002 Filing Date, the
Application Is Entitled to the Date of Express Mailing of this Petition.**

Applicant has attached hereto as Exhibit "D" copies of Figs. 1-4 (which were submitted not only with the application when filed but also in a Submission of Formal Drawings, mailed on January 31, 2002) and a Supplemental Declaration and Power of Attorney. As set forth in the Notice of Incomplete Non-Provisional Application, the filing date of the application would be the date of receipt of these items. Accordingly, in the event that the Petition is not granted, the application should receive the express mailing date of this Petition.

Based on the foregoing, it is respectfully submitted that the application should be accorded a filing date of January 3, 2002, the date on which a complete application, including Figs. 1-4, was deposited with the PTO. A check in the amount of \$130.00 is enclosed for the petition fee under 37 C.F.R. § 1.17(i). However, because the application was complete as originally deposited on January 3, 2002, a refund of the \$130.00 fee is respectfully requested. No additional fees are believed to be due with this communication. If any such fees are due, however, then please charge such fees to Deposit Account No. 19-1970.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 
Douglas W. Swartz
Registration No. 37,739
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: Feb. 13, 2002

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Date 1/3/02

Initial: DWS/APD

PTO Stamp indicates receipt of: ☒ Patent Matter ☐ Trademark Matter

Application Docket No.: 4366-47

Applicant: KOTSINADELIS

Title or Mark: "MY VOICE" VOICE AGENT FOR USE WITH VOICE PORTALS AND RELATED PRODUCTS

Serial/Reg. No.: Not yet assigned

Filed/Issued Date: Herewith

☐ Certificate of Mailing

☒ Express Mail No.: EL 822581193 US

☐ Check for \$

LIST ALL DOCUMENTS BEING SENT TO PATENT OFFICE:

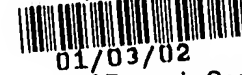
Utility Application and Drawings-3 sheets, Utility Patent Application Transmittal, Recordation Cover Sheet and Assignment, Declaration and Power of Attorney

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JAN 22 2002

SHERIDAN, ROSS

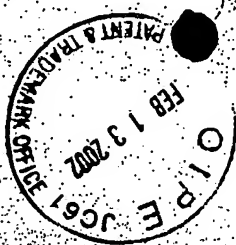
J1011 U.S. PTO
10/037284



25 No. of Pages in Specification

10 No. of Pages in Claims

3 No. of Sheets of Drawings



Date 1/3/02

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/037,284	01/03/2002	Peter Kotsinadelis	4366-47

CONFIRMATION NO. 6822

FORMALITIES LETTER



Douglas W. Swartz
SHERIDAN ROSS P.C.
Suite 1200
1560 Broadway
Denver, CO 80202-5141

Date Mailed: 02/04/2002

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

A copy of this notice MUST be returned with the reply.

T. Seyer

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

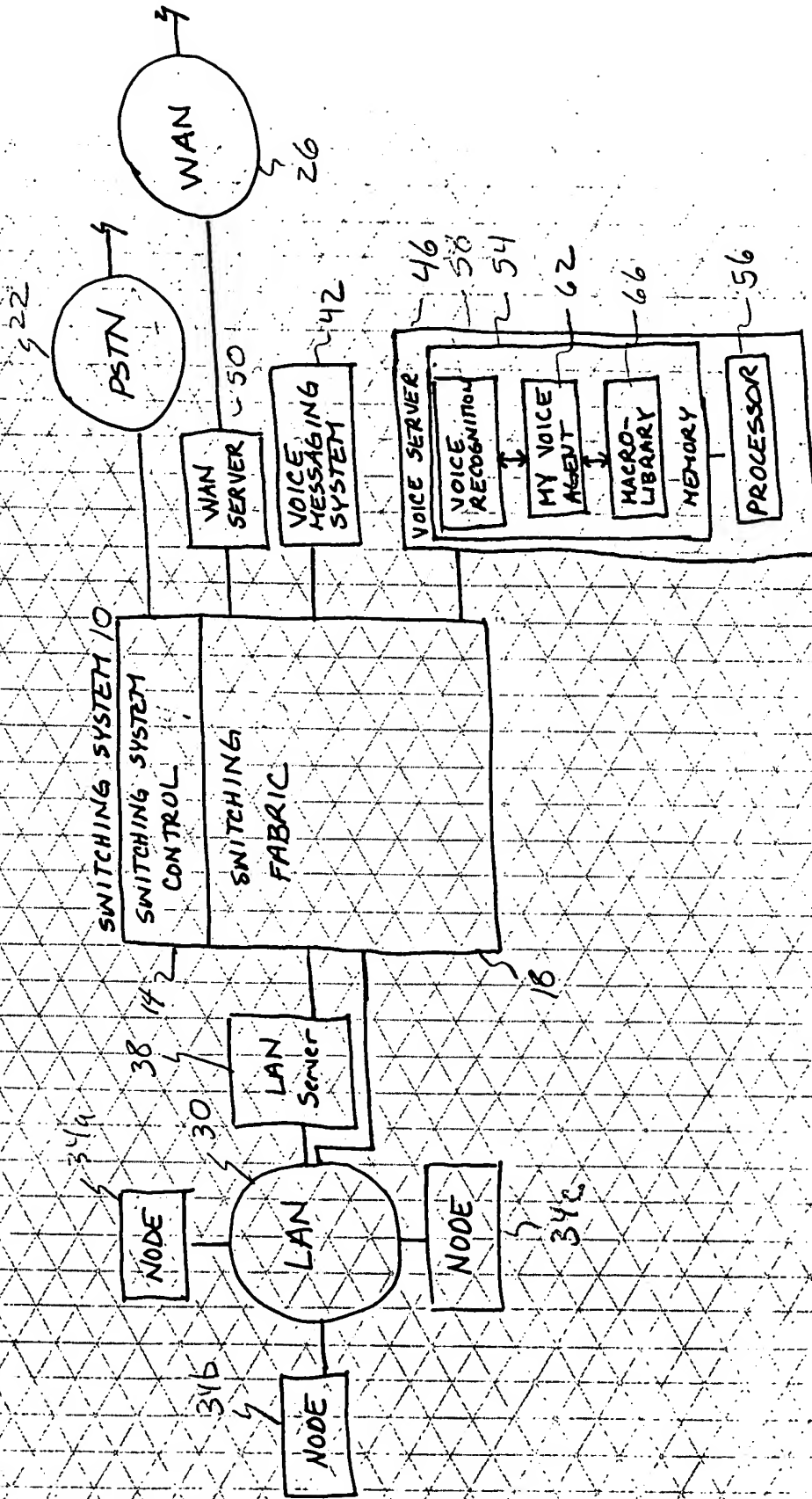


Fig. 1

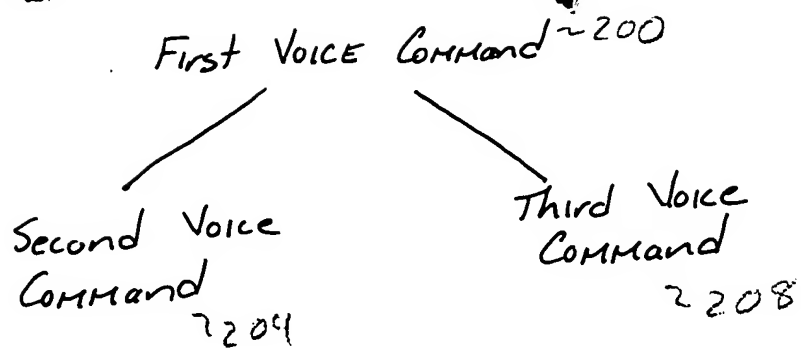


FIG. 2

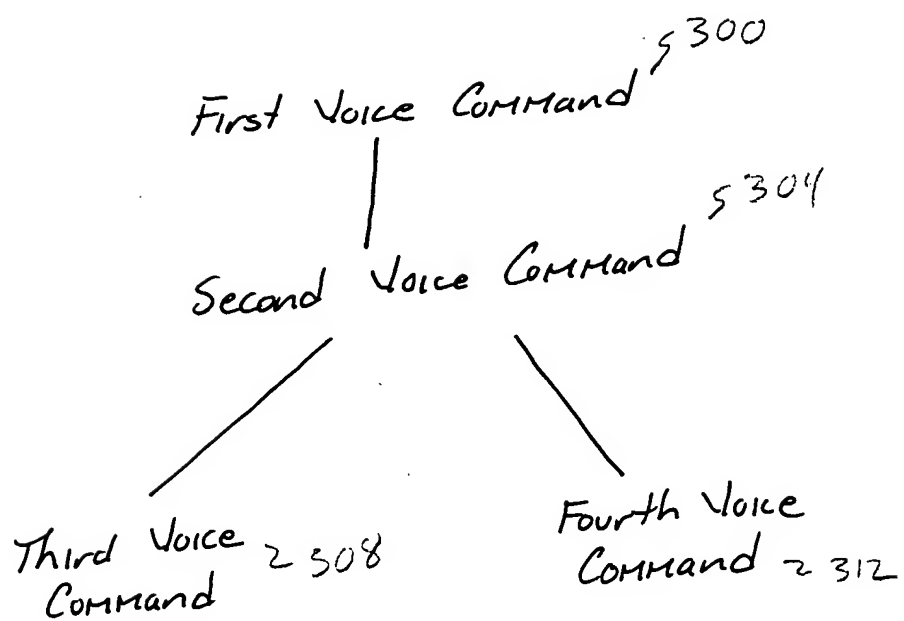


FIG. 3

"MY VOICE" Agent Basic Flow Diagram (Draft)

Peter Kotsinadelis - AVAYA
Inc.
(408) 577-7566

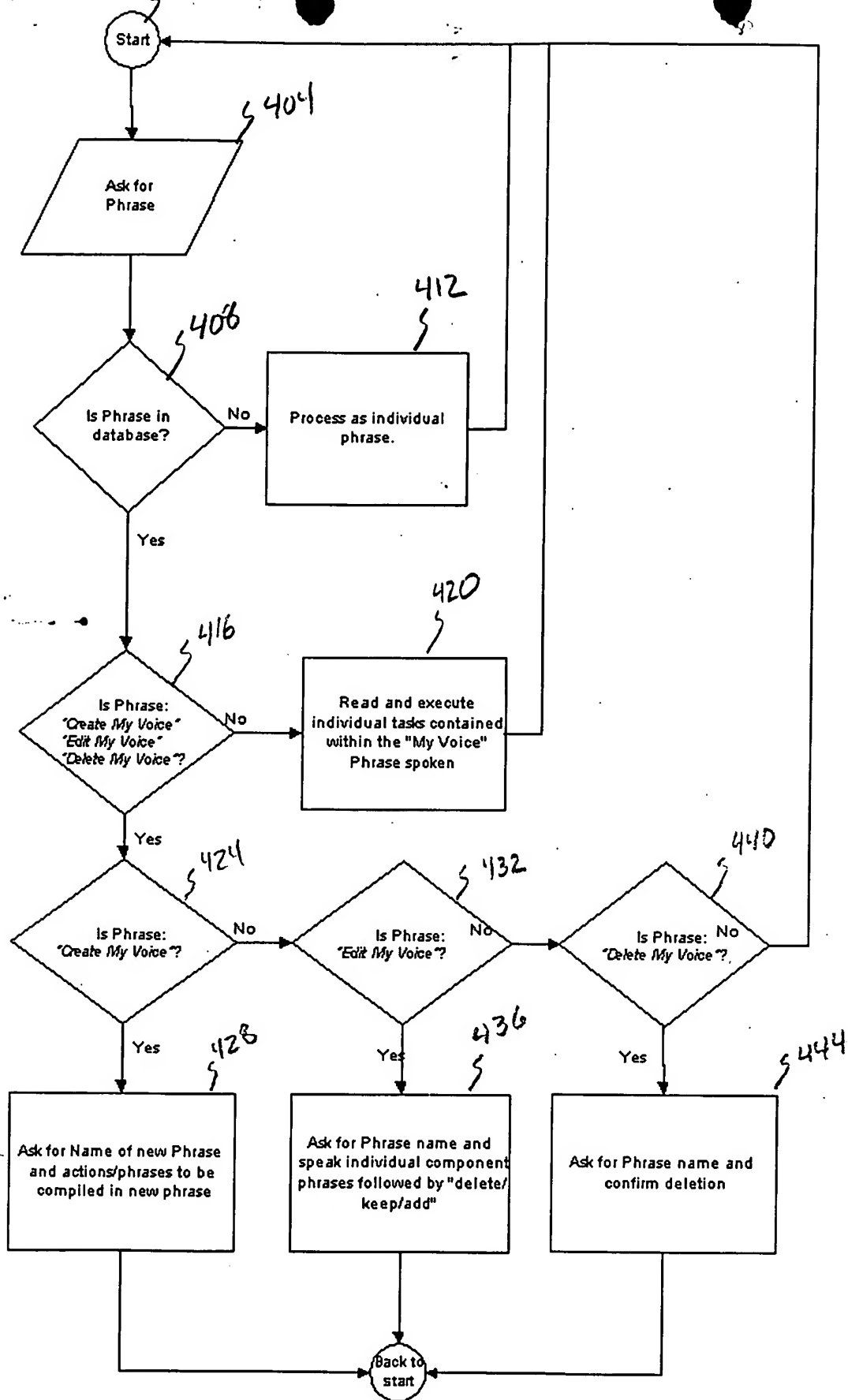


FIG. 4